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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,682	11/05/2001	Akira Shibasaki	24823	4021
20529	7590	09/02/2005	EXAMINER	
NATH & ASSOCIATES 1030 15th STREET, NW 6TH FLOOR WASHINGTON, DC 20005			QIN, YIXING	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/985,682

Applicant(s)

SHIBASAKI, AKIRA

Examiner

Yixing Qin

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 17 discloses that an original monochromatic image file with the maximum number of pages is defined to be a reference file and there is determination of which pages of reference file is combined with an image of a page with fewer number of pages. The Examiner does not see where the applicant's specification describes the use of a maximum number of pages as a means of defining it to be a reference file and what is the determination that takes place to combine the various pages and the reason for doing so. The applicant/applicant's representative is requested to point out to the Examiner support for claim 17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2622

I. Claims 1-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuzaki et al (U.S. Patent No. 5,150,458 – “Masuzaki”) and in view of Popovich et al (U.S. Patent No. 6,373,603).

1. **Claim 1**

- Masuzaki discloses in column 3, lines 33-42 an image input (**image input apparatus**) device for monochromatic image information. Fig. 6A-6F shows some examples of combinable image information.
- Masuzaki discloses in Fig. 1 an image memory 13 (**image storage apparatus**). More specifically, column 3, line 67 and column 4, lines 1-4 discloses the use of the image memory 11 and the editing image memory 12 to store monochromatic information.
- Masuzaki discloses in Fig. 3 a CRT display controller 14 (**image formation apparatus**). One can see that it gets original and edit image data 19 and 20 and combines them with various other signals for output to the CRT display (column 4, lines 54-67). Note in column 4, lines 29-35 that the original and edit memories hold monochromatic data. Fig. 6A-6F shows that they can be characters and/or images.
- Masuzaki discloses in column 4, lines 29-35 that a CRT (**image output apparatus**) displays a combined version of the two monochromatic images in color.
- Masuzaki does not explicitly disclose that the input apparatus has a display section for displaying the image information of the monochromatic images. However, the secondary reference, Popovich, discloses in column 3, lines 36-46 that a display device 12 can display different monochromatic images 54, 56 and 58. The location of the display device is not necessarily at the input device, but it would be a simple matter of design to incorporate a display into an input device to see the image information. The Examiner would also like to note that it is obvious to display the monochromatic images in Masuzaki's invention as well since one can understand that an user of the system would want to see what images are being merged to create a final image.
- Both references are in the art of formation of colored images from monochromatic images. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to display the monochromatic images on a display device. The motivation would be to enable an user to see which images are to be merged.

2. **Claims 2 and 9**

- Again, the output apparatus is a CRT monitor

3. **Claims 3 and 10**

Art Unit: 2622

- The displaying of information in each part of the invention would be an obvious design choice, given that the Masuzaki invention has a CRT. The image information are stored in memory and one of ordinary skill knows that it is simple to access memory to display information. The location of the display, again, is not crucial, one can simply attach a display (such as a CRT) to see information from memory.

4. **Claims 4, 11 and 16**

- Masuzaki discloses in Fig. 6A-6F the combination of various monochrome images. One can see that the images are separate units by themselves (i.e. **page units**).

5. **Claims 5, 6, 12, 13, 18 and 19**

- Masuzaki discloses in column 5, lines 19-29 that one signal of RGB is selected to be outputted. Also note Figs. 4 and 5 for selection of color.
- Masuzaki discloses in column 4, lines 29-35 that the CRT displays the combined monochrome images in color. Column 4, lines 54-67 further describes the combination of various signals for output on the CRT. Also note Figs. 6A-6F (especially 6E and 6F where Masuzaki discloses red character strings and lines) and column 6, lines 28-38.

6. **Claims 7, 14 and 20**

- Although not explicitly disclosed, the use of thumbnail images to represent full sized images is well-known in the art. One knows that the purpose of the thumbnails is to enable users to preview images without having to take a long time to load the entire full-sized image.

7. **Claim 8**

- Masuzaki discloses in column 3, lines 33-42 an image input (**first data input/output section**) device for monochromatic image information. Fig. 6A-6F shows some examples of combinable image information.
- Masuzaki discloses in Fig. 1 an image memory 13 (**image storage section**). More specifically, column 3, line 67 and column 4, lines 1-4 discloses the use of the image memory 11 and the editing image memory 12 to store monochromatic information.
- Masuzaki discloses in Fig. 3 a CRT display controller 14 (**control section**). One can see that it gets original and edit image data 19 and 20 and combines them with various other signals for output to the CRT display (column 4, lines 54-67). Note in column 4, lines 29-35 that the original and edit memories hold monochromatic data.
- Masuzaki discloses in column 4, lines 29-35 that a CRT (**second image input/output section**) displays a combined version of the two monochromatic images in color.

Art Unit: 2622

- Masuzaki does not explicitly disclose that the input apparatus has a display section for displaying the image information of the monochromatic images. However, the secondary reference, Popovich, discloses in column 3, lines 36-46 that a display device 12 can display different monochromatic images 54, 56 and 58. The location of the display device is not necessarily at the input device, but it would be a simple matter of design to incorporate a display into an input device to see the image information. The Examiner would also like to note that it is obvious to display the monochromatic images in Masuzaki's invention as well since one can understand that an user of the system would want to see what images are being merged to create a final image.
- Both references are in the art of formation of colored images from monochromatic images. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to display the monochromatic images on a display device. The motivation would be to enable an user to see which images are to be merged.

8. **Claim 15**

- Masuzaki discloses the selection of monochromatic images for output as discussed in the independent claims above. However, it does not disclose that they are spooled in a queue or that they are rasterized before displaying them on a display. However, both the spooling and rasterizing of images are conventional in the art (i.e. see Speciner – U.S. Patent No. 5,959,867 – column 1, lines 25-28 and column 6, lines 32-39).
- Again, Masuzaki discloses in column 4, lines 29-35 the displaying of the images.
- Masuzaki discloses in column 8, lines 36-45 the printing of images.
- Again, as with claims 1 and 8 above. Both references are in the art of formation of colored images from monochromatic images. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to display the monochromatic images on a display device. The motivation would be to enable an user to see which images are to be merged.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381.

The examiner can normally be reached on M-F 9:30-6:00.

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YQ


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